IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 5617 of 2007(R)

PETITIONER:

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1. SMT. MAGI STANISLAVOS,
   W/O. LATE STANISLAVOS, MADAPPATTIL HOUSE,
   KAITHARAM P.O., KHANDAKARNAN VELI, N.PARAVUR.

2. SHRINE M.STANISLAVOS,
   S/O. LATE STANISLAVOS, MADAPPATTIL HOUSE,
   KAITHARAM P.O., KHANDAKARNAN VELI, N.PARAVUR.

BY ADV. SRI.K.V.SABU

RESPONDENTS:

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1. L.N. MAHARANA,
   HEAD (RED), IRE, ELOOR, UDYOGAMANDAL.

2. THE DIRECTOR,
   BABA ATOMIC RESEARCH CENTRE, DEPARTMENT OF ATOMIC ENERGY, GOVERNMENT OF INDIA, NEW DELHI.

3. SECRETARY TO GOVERNMENT,
   GOVERNMENT OF INDIA, MINISTRY OF LABOUR, NEW DELHI

4. CHIEF GENERAL MANAGER,
   IRE LTD., UDYOGAMANDAL P.O., ELOOR.

5. THE SECRETARY,
   WORKERS' UNION, INTUC, IRE, UDYOGAMANDAL, ELOOR.

6. THE SECRETARY,
   EMPLOYEES UNION, CITU, IRE, UDYOGAMANDAL, ELOOR.

7. THE SECRETARY,
   BMS UNION, UDYOGAMANDAL, ELOOR.

8. THE SECRETARY,
   STAFF & WORKERS' UNION, IRE, UDYOGAMANDAL,ELOOR.

R2 & 3 BY ASST. SOL. GENERAL SHRI. JOHN VARGHESE
R4 BY SC SHRI. A.M.SHAFFIQUE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 5617 OF 2007

Dated this the 16th March, 2007.

JUDGMENT

Counsel appearing for respondents 1 and 4 submits that the petitioners were informed as per communication dated 9.1.2007 that lump sum payment will be made by the Company in lieu of appointment on compassionate grounds under the dying in harness scheme, in the light of the amended provisions of the scheme for such appointments. Counsel for the petitioners submits that the petitioners had received such a communication and that they are prepared to accept the offer without prejudice to their right to demand a higher amount.

2. I find from the writ petition that despite the fact that the petitioners had received communication dated 9.1.2007, that fact has been omitted to be stated in the writ petition filed on 19.2.2007. The petitioners ought to have brought to the notice of this Court that fact also, in a petition of this nature. Suppression of material fact is a ground for declining reliefs. Anyway, since the

counsel submits that the writ petition may be disposed of recording the fact that the petitioners are prepared to consider the offer made by the Company, I am inclined to close this W.P.(C). Ordered accordingly.

K.K.DENESAN
Judge

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